

A RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF ONE-HALF (1/2) INTEREST IN CERTAIN REAL ESTATE UNDERLYING PARKING FACILITIES LOCATED NORTH OF THE CITY-COUNTY BUILDING TO THE COUNTY OF ALLEN IN PREPARATION FOR THE CONSTRUCTION OF A CONDOMINIUM PARKING FACILITY.

WHEREAS, since the construction of the parking plaza north of the City-County Building, the real estate underlying said parking plaza has been owned by the City of Fort Wayne, and

WHEREAS, over the years, the County alleges that City has incurred liabilities for maintenance of the structure built thereon, and

WHEREAS, the present facility is so deteriorated that it is necessary to demolish the same and construct new parking facilities, and said parking facilities will be developed as a condominium owned one-half (1/2) by the City of Fort Wayne and one-half (1/2) by the County of Allen, Indiana,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

SECTION 1. THAT the Mayor and the Clerk of the City of Fort Wayne be, and they hereby are, authorized and directed to convey the real estate described in the attached Exhibit "A" to Allen County, Indiana, in full satisfaction for any alleged unpaid maintenance charges on the existing parking facility.

SECTION 2. That this conveyance is subject to:

(i.) the conveyance of the Real Estate conveyed hereunder by the County to a not-for-profit building corporation un conjunction with the issuance of bonds by the County and

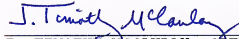
(ii.) the agreement by the City and County to enter into a Declaration establishing a plan of

condominium ownership for the City-County Parking
Garage Condominium.

SECTION. 3 That this Resolution shall be in
full force and effect from and after its passage and any
and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY



J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Kenny, seconded by Kenny, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-28-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine, seconded by Ravine, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>5</u>			<u>4</u>
BRADBURY				<u>✓</u>
EDMONDS				<u>✓</u>
GiaQUINTA				<u>✓</u>
HENRY				<u>✓</u>
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-25-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. R-19-95
on the 25th day of April, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schneider
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of April, 1995, at the hour of 3:00 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of May, 1995, at the hour of 8:00 o'clock P A.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. R-95-03-20

(as amended)

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - CHAIR
MARK E. GIAQUINTA - VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) APPROVING AND AUTHORIZING
THE CONVEYANCE OF ONE-HALF (1/2) INTEREST IN CERTAIN REAL ESTATE UNDERLYING
PARKING FACILITIES LOCATED NORTH OF THE CITY-COUNTY BUILDING TO THE COUNTY
OF ALLEN IN PREPARATION FOR THE CONSTRUCTION OF A CONDOMINIUM PARKING
FACILITY

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas C. Henry

Mark E. Giaquinta

James H. Braddock

OSDm

Mark E. Giaquinta

Robert Carver

Sam Talarico

Clint R. Edwards

DATED: *4-25-95*

Sandra E. Kennedy
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

The East one-half (1/2) of the following described tract:

The land is bounded on the North by the North line of the Vacated Dock Street, the East by the existing right-of-way line of Clinton, the South by the existing right-of-way line of Main Street and the West by the East right-of-way line of Calhoun Street, more particularly described as follows:

Lots #52, 53, 54, 55, and 56, together with the West 58.0 feet of Lot #57; the North 128.0 feet of Lots #72, 73, 74, 75, and 76; the North 128.0 feet of the West 58.0 feet of Lot #71; the South 110.0 feet of Lots #41, 42, 43, 44, and 45; and the South 110.0 feet of the West 58.0 feet of Lot #40;

together with the vacated 25-foot wide Dock Street and the vacated 66.0 foot right-of-way for Columbia Street, both located between the existing West right-of-way line of Clinton Street to the existing East right-of-way line of Calhoun Street;

together with the following vacated alleys or portions thereof:

the North 128 feet of the 5.0-foot wide alley lying between Lots #73 and 74; the 5.0-foot wide alley lying between Lots #54 and 55; the South 110.0 feet of the 5.0-foot wide alley lying between Lots #42 and 43; the 14-foot wide alley lying between Lots #52 thru 56 and Lots #72 thru 76; together with the West 58 feet of Lots #57 and 71;

all of the above described lots in the Original Plat of the Town (now City) of Fort Wayne, Indiana, as recorded in Deed Book D, page 69 in the Office of the Recorder of Allen County.

Excepting therefrom that portion, hereinafter described, which was conveyed to the Board of Commissioners, Allen County, Indiana, on February 15, 1972, to-wit:

The South 62 feet of Lots numbered 53 through 56 inclusive; the North 60.5 feet of Lots numbered 72 through 75 inclusive; the South 62 feet of the East 11 feet of Lot #52; the South 62 feet of the West 25 feet of Lot #57; the North 60.5 feet of the West 25 feet of Lot #71; the North 60.5 feet of the East 11 feet of Lot #76, all in the original plat of the Town (now City) of Fort Wayne.

Also the following described area of alley, being part of the 14-foot wide alley vacated by Declaratory Resolution 1214-68: the 14-foot vacated alley running from a point located 11 feet West of the East line of Lot #52 in the original plat of the Town (now City) of Fort Wayne; thence East a distance of 276.5 feet, terminating at a point located 25 feet West of the East line of Lot #57 on said original plat.

Also the following described area of alley, being part of the 5.0-foot wide alley vacated by Declaratory Resolution 1215-68: the 5.0-foot wide vacated alley running from a point located 62 feet North of the South line of Lot #54 in the original plat of the Town (now City) of Fort Wayne; thence South a distance of 136.5 feet to a point located 60.5 feet South of the North line of Lot #74 in said original plat.

Containing therein 0.8664 acres of land, more or less.

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INTEREST IN CERTAIN REAL ESTATE
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WHEREAS, the present facility is so deteriorated that it is necessary to demolish the same and construct new parking facilities, and said parking facilities will be developed as a condominium owned one-half (1/2) by the City of Fort Wayne and one-half (1/2) by County of Allen, Indiana,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Mayor and the Clerk of the City of Fort Wayne be, and they hereby are, authorized and directed to convey one-half (1/2) interest in the real estate described in the attached Exhibit "A" to Allen County, Indiana, in full satisfaction for any alleged unpaid maintenance charges on the existing parking facility.

SECTION 2. This conveyance is subject to a later conveyance by both the City and the County of their underlying interest in said real estate to the Condominium Association operating the parking garage upon the formation of such Condominium Association as part payment for their equal one-half (1/2) interests in the Condominium real estate.

EXHIBIT "A"

LEGAL DESCRIPTION

The land is bounded on the North by the North line of the Vacated Dock Street, the East by the existing right-of-way line of Clinton, the South by the existing right-of-way line of Main Street and the West by the East right-of-way line of Calhoun Street, more particularly described as follows:

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together with the following vacated alleys or portions thereof:

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Containing therein 0.8664 acres of land, more or less.



Fort Wayne Redevelopment Commission

TO: Members of the Common Council, City of Fort Wayne

FROM: Ronald R. Fletcher, Executive Director *RLF*

RE: Resolution Approving a Conveyance of Real Estate

DATE: March 24, 1995

(as amended)
Q-95-03-20

Enclosed with this memo, please find a copy of a resolution approving the conveyance of one-half of the City's interest in the real estate underlying the existing parking garage to the Allen County Board of Commissioners. In order for the County to secure its financing, its Bond Counsel has requested that the County have a one-half interest in the real estate at the time its financing is initiated.

The consideration for the conveyance is two-fold: 1) County forgiveness of alleged maintenance charges for the existing parking garage accumulated over past years which the City has not paid, and 2) the agreement by Allen County to include the approximate \$400,000 cost of demolition into the total costs of the new parking garage construction project, costs of which the City and County will then each pay fifty percent (50%). (The City will fund its one-half share of total costs by issuing a TIF Bond, up to \$3.5 million, for the Civic Center Urban Renewal Area.)

Upon completion of the new parking garage and formation of a Condominium Association, both the City and the County will convey their respective interests in the underlying garage real estate to the Condominium Association, which will administer parking garage operations. The City/County's purpose for establishment of the Condominium Association is to insure that longterm maintenance and similar obligations are systematically planned, and accomplished, once the completed garage is operational.

The Condominium Association will only have two members, the City of Fort Wayne and Allen County. Each entity will own an undivided one-half interest of all common areas and will also have its own specific areas of the parking garage exclusively reserved for its use. All spaces outside the common area will be managed by the Condominium Association's agent and the revenues therefrom will be used to decrease the operating costs of the new garage.

Thank you.

Enclosures

One Main Street, Rm 840 City-County Building
Fort Wayne, Indiana 46802
Telephone: 219-427-1127
Fax: 219-427-1375

DIGEST SHEET

TITLE OF ORDINANCE: A RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF ONE-HALF (1/2) INTEREST IN CERTAIN REAL ESTATE UNDERLYING PARKING FACILITIES LOCATED NORTH OF THE CITY-COUNTY BUILDING TO THE COUNTY OF ALLEN IN PREPARATION FOR THE CONSTRUCTION OF A CONDOMINIUM PARKING FACILITY

DEPARTMENT REQUESTING ORDINANCE: Redevelopment Commission

SYNOPSIS OF ORDINANCE: This Ordinance is the first step in putting together the parking garage condominium and involves transfer of one-half interest in the underlying real estate to Allen County. Upon completion of construction, both Allen County and the City of Fort Wayne will convey their real estate interests to the Condominium Association.

EFFECT OF PASSAGE: County, for financing purposes, will own an undivided one-half (1/2) interest in the land underlying the parking garage area.

EFFECT OF NON-PASSAGE: Agreements for constructing the parking garage will fail because County's financing for its one-half of the cost is dependant upon ownership of one-half interest in the real estate.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): None.

ASSIGNED TO COMMITTEE (PRESIDENT): _____